

## APPENDIX

STATEMENT BY DAVID PETER ALAN TO SENATE COMMITTEE ON N.J. TRANSIT 11-13-19

Good evening. I am David Peter Alan. I live and practice law in South Orange, as a Registered Patent Attorney and a member of the New Jersey, New York, and U.S. Supreme Court Bars. For almost 20 years, I have served as Chair of the Lackawanna Coalition, and I am also the longest-serving member of SDCRTAC, the Senior Citizens and Disabled Residents Transportation Advisory Committee. Nationally, I have ridden every segment of rail transit in the nation, I serve on the Board of the Rail Users' Network (RUN), and I am a Contributing Editor at *Railway Age*, which has served the railroad industry since 1856. I am also thoroughly familiar with New Jersey Transit, since I depend on it for my mobility. I ride the entire system, and at all times of the day and every day of the week.

I was commuting 40 years ago when NJ Transit was founded, and I knew the founders, Sen. Frank Herbert and Commissioner Lou Gambaccini. They were great men, who had a vision for mobility in our state, and they put it into action. I commemorated NJ Transit's 40<sup>th</sup> anniversary with an article in the August issue of *Railway Age*, which I submit as Exhibit A. NJ Transit today is nothing like its founders envisioned. It is secretive and high-handed, and its governance is non-existent. It has never been this unreliable. We have suffered massive service cuts over the past four years, while the trains that are still on the schedule are canceled so often that we can never be sure that they will come to pick us up. It is true that service on the Atlantic City Rail Line and the Princeton Dinky returned six months ago, and one-seat-ride service to New York Penn Station on the Raritan Line came back last week. Still, those improvements have not reached the Morris & Essex Lines or further north. Nothing that has been removed from the schedule has come back, and the Gladstone Line has no regular rail service on week-ends. Management has never been forthcoming about when we will get any of our trains back, and has never given us any legally-enforceable assurances that they will ever run again.

That is only one symptom of the lack of transparency that is a part of NJ Transit; changes that took place since Gov. Murphy took office, even though he promised the opposite. Until last year, we got much more information about Board agenda items than we get today. We can no longer even comment intelligently on them, since we are given so little information. At tonight's Board meeting, there is even an item to give WSP, one of nation's highest-price firms over \$8 million for "Enterprise Asset Management"; whatever that is. That is certainly money that will not be spent to give us more trains or buses, so the advocates at the Lackawanna Coalition and the New Jersey Association of Railroad Passengers (NJ-ARP) are calling for a moratorium on this sort of capital spending until we get all of our trains back, and they run reliably on schedule.

Every time I or another advocate recommends a service enhancement of any kind, we are told that NJ Transit does not have the money to run more service. I hear the excuse over and over that the Christie administration under-funded the agency, but we are almost half-way through Gov. Murphy's term, and that excuse has grown stale. Even with help from Sen. Weinberg, the agency's budget has only grown by about 2% this year, which will certainly not be enough to give us the service that we need and deserve. You members of the Legislature did not fight for better funding then, so we really need you to fight for it now. Is management cutting service to save money? I can't prove that they are, but it is possible. It is now up to you to find out and, if necessary, make sure we get our service back.

Before Gov. Murphy even took office, the head of his transition team ordered a purge at NJ Transit. The victims were not former Gov. Christie's hacks, but many were non-political managers. A few managed to keep their jobs, because I and others objected to this high-handed act by the Governor-to-be, but there is a climate of apprehension among NJ Transit's employees. Such a climate is not good for productivity, and it is a continuation of the harsh treatment of employees under Gov. Christie.

Governance at NJ Transit is a joke, but it is not funny. When you legislators talked about reform at NJ Transit, I campaigned vigorously for NJ Transit to become a truly non-political agency, a genuine "seat at the table" for the riders, and for at least one person on the Board who depends on transit for mobility. My assemblyman, John McKeon, asked for suggested language. I gave it to him, and I now give it to you, but nothing ever came of it. I got absolutely nowhere, so today every transit board member remains a motorist; a person who does not feel the pain of losing mobility from the schedule or waiting for the train that never comes, as we who depend on transit do. Even with the credentials I mentioned earlier, I was not considered worthy of a chance to apply for a "rider representative" position on the Board. Neither were my counterpart at NJ-ARP, Len Resto, or South Jersey advocates like Nick Pittman or Jeff Marinoff. Instead, we were shocked to see a bunch of nominees from Gov. Murphy who were all totally unknown to anybody in the advocacy community. As far as we know, none of them know much about transit, or we would have heard of them.

We know that diversity is important, but it does not seem to extend to including anybody on the NJ Transit Board who depends on transit for mobility. Just as the counties have their Boards of Chosen Freeholders, NJ Transit has its Board of Chosen Motorists. That is apparently the way you want it to be. It may not actually matter who occupies the seats, because voting "no" on an issue seems to be grounds for dismissal from the Board. Flora Castillo was not renewed after 20 years on the Board, and she had voted "no" on two issues in 2016; the first dissenting votes on policy issues since 2003. I would not be surprised if new Board members are reminded of the manner in which she broke Board discipline and the penalty she suffered for doing so.

There is also an inherent conflict in having the Commissioner of Transportation serve as the Chair of the NJ Transit Board. NJ-DOT deals with highways, which compete with transit for grant money. It is unfair to transit riders, as well as to the Commissioner, to have the same person represent these constituencies that compete with each other. The Lackawanna Coalition has called for the separation of those offices. To make matters worse, few commissioners have had any working knowledge of transit, although Lou Gambaccini did. The only others I know about were Anne Canby, who came after him in 1981, and Jim Simpson, during part of the Christie administration. We deserve a Chair of our transit board who has had a career in transit, and not in a competing industry.

Further down the chain, management continues to claim that a manager named Stewart Mader is a "customer advocate" despite his management position. No manager can ever be an advocate for the riders, especially when management acts in such a strongly-adversarial manner toward us. We at the Lackawanna Coalition and NJ-ARP are the GENUINE Customer Advocates, and management knows it. Still, they perpetuate this falsehood to confuse the riding public and discredit the efforts our continuing efforts to advance the interests of New Jersey's transit riders, as we have done for the past 40 years or more. We have called on management to stop lying about who advocates for their customers, and we continue to be ignored. Maybe, if YOU tell them to cease and desist calling a manager a "customer advocate," they will listen.

That is the way it is with essentially everything at NJ Transit these days. There are thousands of dedicated employees there who are doing their jobs as best they can, and some of them are managers. We praise those men and women for their efforts and their professionalism. Still, today's NJ Transit is a disaster; as bad as it has been in its 40-year history. There is not much I can do about that, but YOU can do a lot. My colleagues and I are here to help you. You know where to find me, and I can help you to find them. No Board of Chosen Motorists can tell you what we can tell you from our own experience. Whether or not you choose to take us seriously and listen to us is up to you, but if you do not listen to us and exercise your oversight authority for our benefit, our pitiful transit service will have nowhere to go but down.

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STATEMENT TO SENATE COMMITTEE CONCERNING NJ TRANSIT, 11-13-19

Delivered by David Peter Alan, Chair, Lackawanna Coalition  
Coalition address: Box 283, Millburn, N.J. 07041  
Personal address: 50 South Ridgewood Road, South Orange, N.J. 07079  
Personal phone: (973) 762-3488  
Personal cell phone: (973) 715-5626  
Personal e-mail: [trainadvocate@icloud.com](mailto:trainadvocate@icloud.com)

LIST OF EXHIBITS SUBMITTED WITH STATEMENT

- Exhibit "A": Article: "NJT at 40: People, Politics and Progress" *Railway Age*, August, 2019 at 9.
- Exhibit "B": Joint Statement for Lackawanna Coalition and NJ-ARP for NJT Board Meeting, 11-13-19
- Exhibit "C": Memorandum to Transportation Committee Chairs, March 22, 2018; never acted upon
- Exhibit "D": Lackawanna Coalition Resolution regarding NJT Board Chair, passed May 20, 2019
- Exhibit "E": November-December, 2019 issue of *Railgram*, published by the Lackawanna Coalition
- Exhibit "F": September-October, 2019 issue of *Railgram*
- Exhibit "G": July-August, 2019 issue of *Railgram*
- Exhibit "H": David Peter Alan's credentials for transportation advocacy, updated October 29, 2019

## LACKAWANNA COALITION AND NJ-ARP JOINT STATEMENT FOR NJT BOARD 11-13-19

Good evening. I am David Peter Alan, Chair of the Lackawanna Coalition. I speak on behalf of the united advocates for your riders at the Coalition and the New Jersey Association of Railroad Passengers (NJ-ARP), whose President has assured me that they are on board with what I say tonight.

We note that the Raritan Valley Line has gotten most of its former "one-seat-ride" service to New York Penn Station back. We are happy for the riders there, but there has been no improvement on the Morris & Essex, Gladstone, Montclair-Boonton, Main-Bergen or Pascack Valley Lines. The riders on all of these lines have suffered more, with trains removed from the schedule and with cancellations that have degraded our rail service to an unprecedented level of unreliability. Yet, we have not even been told when we will get any of our trains back, or even received a legally-enforceable assurance that we ever will. This situation remains totally unacceptable to our constituents along these lines.

While we suffer, you continue to hand out millions of dollars for a parking deck, a North Brunswick station that would only benefit a single developer, and other projects that do not improve mobility on the lines that you operate today, and where we have seen nothing but cuts and deterioration for more than four years. There is even a item that would give WSP, one of the nation's highest-priced firms, more than \$8 million for "Enterprise Asset Management"; a concept that your materials do not even explain. The advocates for your riders hereby call for a total moratorium on all capital spending that does not directly provide mobility for your riders, until every train removed from the schedule on every line since September, 2015 is restored, and every line runs as reliably as it did five years ago.

We commend NJ Transit for avoiding the temptation to run rail service to the so-called "American Dream" complex, which some of our members call the "American Nightmare." Shuttle buses make sense, and the developer should pay for this service; not the transit riders or the taxpayers of New Jersey generally. NJ Transit does not have the equipment, the employees or the money to run trains to the complex, and we commend you for being aware of that.

We note that you persist in calling a manager named Stewart Mader a "customer advocate" and we continue to voice the strongest possible objections to the use of that title. It is an out-and-out lie; a falsehood specifically promulgated to cause public confusion and bring into question the credibility and authenticity of the efforts by the GENUINE Customer Advocates, including those by the Lackawanna Coalition and NJ-ARP, who have been serving the interests of your riders for more than 40 years. We would not object to a truthful title for Mr. Mader, but we must insist that NJ Transit immediately cease and desist from claiming that he, as a management employee, is an advocate for your riders. WE are the advocates for your riders, he is not, and you know it. Management's credibility is terrible at this time. It does not improve when you keep lying to the public about who advocates for your riders.

We have heard a lot about Sen. Loretta Weinberg's committee that will purportedly look into NJ Transit's recent poor performance. I have just told that committee, and I will tell you one of the reasons why it is so poor. Not a single person on the NJ Transit Board has ever depended on transit for all mobility, as far as we know. I campaigned relentlessly at the legislature to persuade them to require that at least one person on the Board depend on transit, because no motorist can ever know the suffering that our poorly-performing transit can cause for those of us who depend on it. I got absolutely nowhere, and that includes with Sen. Weinberg. At a meeting of this Board, I asked her how I could apply to be a rider-representative on this Board. Her answer was, and I quote: "Talk to the governor." So I have a message for Gov. Murphy, and I know that some of you in this room can deliver it for me. Please tell the governor that you know where to find me and that you can put him in touch with me, so my fellow genuine Customer Advocates can tell him what things are REALLY like here at NJ Transit. We just want him to hear the riders' side of the story, which he can't get elsewhere.

Exhibit B 6x

LACKAWANNA COALITION

Box 283

Millburn, N.J. 07041

[www.lackawannacoalition.org](http://www.lackawannacoalition.org)

MEMORANDUM

FROM: David Peter Alan, Chair

TO: Asm. John McKeon  
Sen. Robert Gordon  
Asm. Dan Benson  
Sen. Loretta Weinberg

Dated: March 22, 2018

Re: Proposed amendments to A-1412 and S-630 to promote reform and rider representatives at NJT

This memorandum is in response to a request from Assemblyman John McKeon for language that would promote a non-political means to secure rider representation on the New Jersey Transit Board of Directors, ensure that some members of the NJ Transit Board depend on transit for all mobility, eliminate secrecy at NJ Transit, including by the Passenger Advisory Committees that are part of the subject matter or this legislation, and to eliminate NJ Transit's authority conferred by P.L. 2016, Ch. 52 to eliminate service for an interval up to two hours without notice to the riding public.

This request was made in a meeting that took place on Monday, March 5<sup>th</sup> at Assemblyman McKeon's office. Since S-630 has been introduced since that time, this memorandum will address both bills with identical recommendations. In addition, an new issue has arisen concerning sovereign immunity for NJ Transit. We have added a recommendation that any new bill include language that specifically waives any assertion or defense of sovereign immunity by NJ Transit in any litigation.

Our top legislative priority is the repeal of P.L. 2016, c. 52, which allows New Jersey Transit to reduce service on any line at any time, by up to two hours, without notice to the riding public or an opportunity to be heard concerning any such service reduction. We are deeply disappointed to see that the offending provision is still present, in Sec. 8(d) at page 17, lines 28-35 in Bill A-1241 and at page

Exhibit 'c' 7x

19, lines 13-19 in Bill S-630:

except that the corporation shall not be required to hold a public hearing for a change in service that does not: (1) increase fares; (2) eliminate a current motorbus regular route or any rail passenger service; or (3) change the time of a motorbus regular route or rail passenger service by more than two hours from the corporation's currently adopted schedule or timetable, so long as these services are provided at least three times daily, excluding holiday

We call for the elimination of the "exception" mentioned in the above-cited text.

Interpretive statement: It is imperative that the public receive notice when New Jersey Transit plans to reduce their transit service. When the last runs of the service day were eliminated on several lines in September, 2015, there was no notice to the public and some riders were stranded because they did not know that their effective curfew had been changed to an earlier time. The differences ranged from 45 minutes on the Morris & Essex Line (later restored to a 23-minute difference through the efforts of the Lackawanna Coalition) to 108 minutes on the North Jersey Coast Line.

The original intent of P.L. 2016, c. 52, as shown in the bill's legislative history, was to require notice and a hearing whenever New Jersey Transit reduced service. We supported the bill when its original title and language supported that intent. An exception was carved out to allow service reductions of up to one hour without notice, and that exception was later expanded to two hours. We do not know how the bill was changed during the legislative process, but do not believe that it is fair, equitable or appropriate for New Jersey Transit to reduce service without first giving adequate notice to riders who would be affected by the service reduction. Although a requirement for notice does not guarantee that the public will ultimately be able to persuade New Jersey Transit to change its mind and rescind the proposed cuts, it will at least enable affected riders to know in advance that they may be losing some mobility, so that they can plan alternatives before a cut goes into effect, if possible. This is especially critical for the roughly 20% of New Jerseyans who do not have access to an automobile.

Similarly, at subsection 8(f) at Page 18, lines 37 to 48 in Bill A-1241 and at Page 20, lines 22 to 32 in Bill S-630, we call for the 30-minute exception at the beginning or end of the service day (at line 27) to be eliminated:

f. For the purposes of this section, "substantial curtailment" and "substantially curtail" shall include, but need not be limited to: the elimination of a motorbus regular route, scheduled trip, or scheduled stop along a motorbus regular route or of a rail passenger service line, scheduled trip, or scheduled stop along a rail passenger service line; a reduction [of 30 minutes or more] in the beginning or end of service for the corporation's adopted schedule or timetable for a scheduled stop along a motorbus regular route or rail passenger service line; and any change to a motorbus regular route or rail passenger service which may increase barriers to accessibility for a person with disabilities.

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Interpretive statement: Reduction in the span of the service day can have a significant negative effect on mobility for transit riders, especially those who depend on transit for all of their mobility. They have a right to know before the portion of the day when they are granted mobility by New Jersey Transit is reduced. As we stated concerning the repeal of New Jersey Transit's power to reduce service without notice to the public, they should also be required to notify the affected riding public before reducing the length of the service day on any line by any amount of time.

We recommend amending Section 4(a) as follows:

4. a. There is hereby established [in the Executive Branch] as a free-standing instrumentality of the State Government the New Jersey Transit Corporation, a body corporate and politic with corporate succession. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the corporation is hereby allocated within the Department of Transportation, but, notwithstanding [said] that allocation, the corporation shall be independent of any supervision or control by the department or any body or officer thereof, and of any supervision or control by the Governor of New Jersey or by any member of his or her staff. The corporation is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State. Notwithstanding such declaration, the State of New Jersey hereby waives any rights that it might have to assert any claim or defense of sovereign immunity on behalf of the New Jersey Transit Corporation, in any State or Federal Court, at law or equity.

Interpretive statement: As representatives of the riding public, the Lackawanna Coalition believes that many of the problems currently facing New Jersey Transit result from day-to-day management of NJ Transit by governors over the years, going back to 1982. We believe that the corporation should be managed by transportation professionals, regardless of who occupies the office of governor. We understand that some level of gubernatorial and legislative oversight is necessary and even desirable, but it should not extend to the level of day-to-day management. That should be left to professionals who have knowledge of public transportation and its optimal management. Therefore, we call for New Jersey Transit to be organized and operated as a free-standing State instrumentality.

We have also been informed that New Jersey Transit is asserting claims or defenses of sovereign immunity. We do not believe that such claims or defenses are appropriate to an organization that provides transit services for the public, even though other transit providers are also part of the public sector. We are concerned that assertions of sovereign immunity could interfere with other federal or state legal protections for the riders or employees of New Jersey Transit. New Jersey Transit should not be considered under the direct control of a "king who can do no wrong" as the doctrine connotes. It is antithetical to a representative democracy/democratic republic and NJ Transit should not be permitted to assert it. NJ Transit should be dedicated to public service, not sovereign immunity.



We recommend that Section 4(b) be amended to include four voting rider-representatives, with language added as follows:

Four (4) rider-representative members who are regular riders of New Jersey Transit's rail, light rail, and motorbus services. Such members shall be selected on objective criteria including, but not limited to knowledge and use of the services provided by New Jersey Transit and other public transportation providers, knowledge of the operation of such services, knowledge of legal and/or policy considerations concerning public transportation, experience advocating on behalf of transit riders, and knowledge about management and governance practices in the transit industry, including at New Jersey Transit, and other criteria specifically mentioned elsewhere in this Section. Such members shall be selected by a search committee consisting of transit managers and recognized rider-advocates from New Jersey and elsewhere in the United States. All such members shall be appointed regardless of political affiliation or political activity, or lack of same. At least two such rider-representative members shall be members in good standing of one or more rider-advocacy organizations known to New Jersey Transit. All such rider-representative members shall be regular transit riders, and at least two of them shall depend on transit for all mobility.

The language beginning at Page 4, line 21 in A-1241 and line 45 in Bill S-630, should be amended as follows:

“experience as a regular corporation motorbus regular route service rider” includes any rider who is a regular corporation motorbus regular route service rider at the time of the member’s appointment or reappointment and [any rider] who has been a regular corporation motorbus regular route service rider [in three of the [seven]] for at least five years preceding the member’s appointment or reappointment. “experience as a regular corporation rail passenger service or light rail service rider” includes any rider who is a regular corporation rail passenger service or light rail service rider at the time of the member’s appointment or reappointment and [any rider] who has been a regular corporation rail passenger service or light rail service rider [in three of the [seven]] for at least five years preceding the member’s appointment or reappointment. Any such member must remain a regular corporation motorbus regular route service rider, and/or regular corporation rail passenger service or light rail service rider throughout his or her term of appointment, or he or she shall be removed from the Board and replaced by a new member meeting the same qualifications.

We call for new language at the conclusion of this section, which states: Every member of the Board shall be a regular corporation motorbus, rail or light rail service rider, regardless of how he or she is appointed to the Board. No fewer than fifty percent of Board members shall depend on transit for all of their mobility, regardless of how each such member is appointed to the Board.

Interpretive statement: We express our concern that, under the current bill, every member is appointed through a political process. This includes the Metropolitan Planning Organizations, which are also political organizations. We propose a non-political means for selecting rider-representatives as additional voting members of the NJ Transit Board. As rider-representatives ourselves, we do not believe that it serves the public interest by requiring that all NJ Transit Board members be appointed through political processes. Instead, we propose independently-monitored selection, based on non-

political, objective criteria, without the requirement that such Board candidates acquire knowledge about transit through salaried, professional experience. We note that, while a few advocates for transit riders have had professional careers in transit management, most have not. It does not serve the public interest to preclude persons who have acquired such knowledge by means other than through salaried professional experience from being appointed to the NJ Transit Board.

We note that the amended version of Bill S-630 calls for voting representatives of bus and rail labor on the NJ Transit Board. We believe that it is a step in the right direction to add these voting members, and we also note that it is not customary for labor officials to have the sort of professional management experience that the bills currently require. If labor representatives are permitted to sit on the Board as voting members, having gained their knowledge of transit through an "alternate" means, then it would serve the public interest to allow rider-representatives a similar path. We suggest an application process that includes a personal résumé and an objective test of knowledge; possibly a blind test to ensure impartiality.

We do not believe that having ridden transit for only three of the five years before appointment to the Board is sufficient, because it does not require a candidate to be a transit rider at the time of appointment or during the term of service on the Board. We call for any candidate for Board membership to have been a regular transit rider for at least five years before appointment, and during the entire term of such person's service. We also call for every Board member to be a regular transit rider, and for at least half of the Board members to depend on transit for all mobility. We do not believe that any non-rider can have sufficient knowledge about transit to make intelligent decisions regarding its governance and management. We also do not believe that a Board comprised entirely of motorists can possess sufficient understanding of the impact that Board decisions, especially adverse ones such as cutting service or raising fares, can have on persons who depend on transit. Accordingly, we call for at least half of the members of the Board to depend on transit for all of their mobility needs. As we stated during our testimony at the NJ Transit Board of Directors meeting last month, we find the complete absence of board members with current experience as a rider as unacceptable as would be the absence of motorists on a highway-agency board of trustees.

We call for new language on Page 12 of Bill A-1241 and Page 13 of Bill S-630, following the provisions concerning the North and South Jersey Passenger Advisory Committees, as follows:

All meetings and other activities of the North and South Jersey Passenger Advisory Committees shall be governed by the Open Public Meetings Act, P.L. 1975, c. 231 (N.J.S.A. §10:6-4 et seq). Notwithstanding any prior practice, under no circumstances shall any member of the public be barred from any proceeding or other activity of either of these committees.

We also call for language that requires representation for rider-advocates on the two Advisory Committees covered by this legislation, as well as for members who depend on transit for all mobility. It should be added at the end of the section that pertains to the Advisory committees.

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The North and South Jersey Transportation Advisory Committees shall each include at least two (2) rider-representative members who are regular riders of New Jersey Transit's rail, light rail, and motorbus services, as specified in this subsection. Such members shall be selected on objective criteria including, but not limited to knowledge and use of the services provided by New Jersey Transit and other public transportation providers, knowledge of the operation of such services, knowledge of legal and/or policy considerations concerning public transportation, experience advocating on behalf of transit riders, and knowledge about management and governance practices in the transit industry, including at New Jersey Transit, and other criteria specifically mentioned elsewhere in this Section. Such members shall be selected by a search committee consisting of transit managers and recognized rider-advocates from New Jersey and elsewhere in the United States. All such members shall be appointed regardless of political affiliation or political activity, or lack of same. At least two such rider-representative members shall be members in good standing of one or more rider-advocacy organizations known to New Jersey Transit. All members of said Advisory Committees shall be regular transit riders, and at fifty per-cent of them shall depend on transit for all mobility.

Interpretive statement: The original Bylaws for the North and South Jersey Transportation Advisory Committees, which took effect in 1980, called for openness and transparency in the conduct of the business of those committees. Despite such a prohibition on secrecy, the aforementioned advisory committees began to conduct their meetings in secret, providing no reports of their activities to non-members, and barring non-members from attending or commenting at their meetings. Upon notice in 2012 that these committees were violating the explicit terms of their Bylaws by these practices, the response was to remove the prohibition of secrecy and continue operating in secret. That change was also made in secret, and the practice continues today. The two-year term limit for officers of those committees was also removed secretly in 2012, and the Chairs of those committees have served in those positions for more than 20 years. We believe that continued secrecy renders these committees useless, and we call on the Legislature to intervene and end such secrecy in the public interest.

We also call for representatives of established rider-advocacy organizations on the Advisory Committees, to be selected in the same manner as rider-representatives on the New Jersey Transit Board. Similar to our recommendation concerning the Board, we also call for all Advisory Committee members to be regular transit riders, and for at least half of them to depend on transit for all mobility.

DAVID PETER ALAN

Chair, Lackawanna Coalition

(973) 715-5626 (personal cell phone)

## RESOLUTION CONCERNING THE TRANSPORTATION COMMISSIONER AND NJT BOARD

At a meeting of the Lackawanna Coalition held on May 20, 2019 at Millburn, New Jersey, the following resolution was adopted:

WHEREAS the Transportation Act of 1979, the enabling legislation for New Jersey Transit (NJT) specifies that the Commissioner of the New Jersey Department of Transportation (NJDOT) (hereinafter Commissioner) shall also act as Chair of the Board of Directors of New Jersey Transit; and

This dual role established by statute grants to the Commissioner full administrative authority over NJDOT, as well as governing authority over NJ Transit; and

NJDOT has, as one of its primary responsibilities to implement and oversee funding for and operations of automobile highways located within the State of New Jersey, including, but not limited to the Garden State Parkway and the New Jersey Turnpike; and

Inherent in this administrative and oversight authority concerning automobile highways is the duty to promote the use of such highways – if only to improve their costs effectiveness; and

Highways and transit are competing modes of transportation, both in terms of licensed motorists who have the option of using NJ Transit, and in terms of competition for scarce federal and state funding for capital projects that benefit either highways or transit, as well as transit operations; and

Authority concerning these two competing modes of transportation places the Commissioner in an inherent conflict, whereby decisions concerning funding and other issues will inevitably favor one mode at the expense of the other; and

WHEREAS such an inherent conflict creates a detriment to the taxpayers of the State of New Jersey, the riders of New Jersey Transit, and the Commissioner, as the person who is caught in the dilemma that is always caused by such a conflict; it is hereby

RESOLVED that the Lackawanna Coalition calls for the separation of the Commissioner of Transportation from any and all managerial or governance authority or responsibility at NJ Transit, including the position of Chair of its Board of Directors; and it is

FURTHER RESOLVED that the Lackawanna Coalition hereby calls upon the Legislature and Governor of the State of New Jersey to amend the applicable statute to call for the Board of Directors of New Jersey Transit to select a Chair by vote of all members of the Board, thus removing the Commissioner from the position as Chair of the Board of Directors of New Jersey Transit.

This resolution shall be sent to the Governor, all members of the Legislature, the Commissioner of the New Jersey Department of Transportation, the Executive Director and all members of the Board of Directors of New Jersey Transit, and to all other persons concerned.

  
DAVID PETER ALAN, Chair

Exhibit "D"

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P.O. Box 283  
Millburn, NJ 07041

www.Lackawannacoalition.org  
email: info@lackawannacoalition.org  
Twitter: @Lackawanna\_Rail

Lackawanna  
Coalition

November/December 2019

...An independent organization  
advocating for better transit

# RAILGRAM

## Advocates Demonstrate Increased Solidarity NJ Transit's Shrunk Credibility

By DAVID PETER ALAN

Your advocates at the Lackawanna Coalition and the New Jersey Association of Railroad Passengers (NJ-ARP) agree on many issues and disagree on a few, but we stand together on a newly-imposed one, and we are demonstrating strong solidarity in light of a recent development at NJ Transit.

Earlier this year, NJT hired a manager named Stewart Mader and gave him two titles. One was "Customer Experience Officer" and the other was "Customer Advocate." Mader previously worked for the Port Authority, including the Port Authority Trans-Hudson (PATH) system, and his job included organizing a "customer advisory committee" that was chosen and operated entirely in secret. His support of an organization that did not allow public participation drew criticism from other advocates.

Coalition and NJ-ARP leaders do not object to NJT having a "Customer Experience Officer" who, presumably, could help customers navigate the agency's bureaucracy; much in the style of an ombudsman. We strongly object, however, to a manager bearing the title of "Customer Advocate" because no manager could ever advocate for the riders on the system. There is an inherently adversarial component to the relationship between the provider and the riders, and this is especially true at the present time; an era when trains are canceled, there is less transparency at NJT, and we are ignored.

NJ-ARP President Len Resto said: "As President of NJ-ARP, I would like to thank David for being willing to represent all advocacy groups in opposing this inherent conflict of interest. An internal 'customer advocate' can never truly advocate on behalf of the customer if his/her paycheck is signed by the very organization he/she is 'delegated' to criticize. It is not unlike asking the fox to guard the hen house."

NJT attempted to push us to deal with Mader, but we have refused and are boycotting him completely, at least until we receive legally-binding assurance that he will no longer be referred to as a "customer advocate"; an assurance that we have not received. Instead, leaders of both advocacy organizations have increased our contact, and this writer made a statement on behalf of both at NJT's September Board meeting. This marks the first such joint statement ever made by your advocates, and there will be more.

During the former Christie administration, NJT management set up meetings with selected advocates and called them "advocates' roundtables," but they have been discontinued. In contrast, your advocates have now claimed the term "roundtables" for ourselves, and the "new roundtable" discussions include leaders of the Coalition and NJ-ARP. We are the genuine "Customer Advocates" and will continue to fight together for you.

Commentary By SALLY JANE GELLERT

Every month at the NJ Transit board meeting, we hear positive reports on the trend of train cancellations. Kevin Corbett has a column on Tapinto.net's site, "NJ TRANSIT: Moving Forward", the first installment of which, published on August 21 (<https://www.tapinto.net/towns/denville/articles/nj-transit-moving-forward>) talks about rail cars on order, buses being delivered this year, and more expected in 2020. His column also points to decreases in the numbers of annulments and cancellations. Of course, this column is properly labeled as an "advertorial" which is "published by TAPinto.net as a service to its marketing partners."

Anthony Russo, president and CEO of the Commerce and Industry Association of New Jersey (CIANJ), has also extolled the virtues of NJ Transit on the TAPinto.net site. On August 12, TAPinto.net published his article, "Rolling Stones in the Meadowlands: NJ TRANSIT Got It Right - Again!" The head of the CIANJ is not a TAPinto.net reporter; his work is also an "advertorial" with the same "published in service to its marketing partners" message.

TAPinto.net staff does write about NJ Transit, however: we found an article headlined "Building Goodwill with Gratitude on NJ TRANSIT" with a byline of "Tapinto.net staff" (Sept. 13: <https://www.tapinto.net/towns/montclair/articles/building-goodwill-with-gratitude-on-nj-transit>). However, we note the message "sponsored content" in a low-contrast light-gray typeface.

Yet when we turn to the Star-Ledger and www.nj.com, things look a little different, with headlines such as "NJ Transit Cancellations Have Been Worse than You Ever Imagined" by Stephen Sterling and Larry Higgs, and "As NJ Transit Riders Suffer, the Execs that Run It Get Big Raises" (<https://www.nj.com/data/2019/07/how-wretched-is-your-nj-transit-train-commute-these-numbers-tell-the-sorry-tale.html>) by Larry Higgs) from July tell a very different story; one of frustrated riders and well-paid executives with shiny new titles and pay raises funded by laying off other NJT executives.

Currently, we have a newly-hired "Customer Experience Officer," Stewart Mader, whom the agency also attempts to define as a "Customer Advocate"; although anyone being paid by a corporate agency must represent that agency more than its customers. In fact, noted whistle-blower Todd Barretta has given Mr. Mader a new nickname on Twitter: "Chicken Stew," for his penchant for upbeat, PR-driven Tweets of his trips on trains and buses, coupled with lack of real answers to the many Tweeted concerns of daily commuters and other passengers. In fact, there is an account on Twitter, @NJT\_Team\_40, which was created in May in reaction to Mr. Corbett's statement that there are only 40 people Tweeting about their commuting issues. Somehow, it seems like a lot more than that to us.

Next up in the attempt to get to the bottom of NJ Transit's problems, and pierce the veil of secrecy that seems so much a part of NJ Transit culture is the Senate Select Committee headed by Sen. Loretta Weinberg. We would like to be hopeful, but we also share labor leader Ray

(Newsletter continues on reverse)

**HELP MAKE A DIFFERENCE!**

**Come to a Lackawanna Coalition meeting!**

Fourth Monday of the month (except holidays), 6:45 p.m., Millburn Town Hall. Next meetings: Nov. 25 and Dec. 23.

14x  
\* \* \* \* \*

## Shrunkened Credibility (continued from reverse)

Greaves' stated concern that this is just another exercise in blame-fixing. What we need is for the governor to hire rail and bus professionals and then to step out of their way; to find the stable funding that the agency needs, and to resist the urge of so many of our governors to micromanage and to fill the NJ Transit staff with political patronage jobs. Both parties have been guilty. As an outsider, Gov. Murphy has an opportunity to change "business as usual." He has had almost two years to do that, and we are still watching and waiting.

## Report From The Chair

By DAVID PETER ALAN, Chair

NJ Transit has been plagued with all sorts of troubles lately. There is a severe shortage of engineers, and the agency can use more conductors and bus drivers, too. Equipment is out of service for installation of Positive Train Control (PTC); an unfunded mandate from Congress and the Federal Railroad Administration (FRA). There have also been seasonal service cuts for each of the last three summers, primarily due to Amtrak's track work at Penn Station, New York. NJT management has consistently blamed the former Christie administration for under-funding the agency, but we will soon be half-way through Gov. Murphy's term, so that excuse is getting stale, even among some Democrats. Senate Majority Leader Loretta Weinberg is now leading an investigation into NJT's deficits.

Management claims that NJT is on the road to recovery, but they can't prove it by riding the Morris & Essex Line or any lines to the north. From the Gladstone Branch and north to the Pascack Valley Line, every line has lost service during the past four years, and the pace of the reductions has increased since the middle of last year. We have lost a lot of trains, including the one that this writer used to go to Coalition meetings in Millburn.

Things are getting better to our south. The Atlantic City Rail Line to and from Philadelphia came back on May 12; probably to avoid angering South Jersey politicians who wanted service restored before Memorial Day. The Princeton Dinky came back the same day. The Raritan Valley Line had lost its "one-seat ride" service to Penn Station, New York; a convenience that was only available during mid-day and part of the evening on weekdays, and never at peak-commuting hours or on weekends. For 14 months, all weekday New York riders on the line had to transfer at Newark, just as peak-hour commuters and weekend riders always did, and still do. NJT restored most of the former "one-seat ride" trains on Nov. 4. We are happy for our fellow riders on the Raritan Line, but we want our service back, too.

That is the problem. NJT says that only seven newly-trained engineers are now on the railroad. They should be able to handle the additional service on the Raritan, but we on the Morris & Essex, Montclair-Boonton, Gladstone, Main-Bergen and Pascack Valley Lines have yet to receive any benefit; not even a single train has been restored to the schedule on any of those lines. In addition, all of our lines are plagued with canceled trains, as are the Northeast Corridor (NEC) line to Trenton and the North Jersey Coast Line. On Sunday, Sept. 8, there were a record 31 trains canceled from the weekend schedule. Until every train runs at its advertised time (barring occasional emergencies), we will never be able to rely on NJT's schedules, and we will continue to suffer the inconvenience that comes with never knowing whether or not our scheduled train will actually come to pick us up.

Ironically, the Raritan Line, which has now essentially returned to its former service, was the line least-affected by the rash of cancellations over the past year or more. There has been little improvement on the

Morris & Essex and other hard-hit lines. None of the trains that were removed from the schedule have been restored. We do not know why our constituents have received no benefit from NJT's purported road to recovery. We know that there are several training classes ongoing for engineers, and we fully expect to have all trains on the advertised schedule running soon. We also expect every train that we lost to be restored. We and our constituents are sick and tired of excuses. We want our trains, and we want a firm and reliable answer from management about when we will get them back.

This is NOT The Way to Go, NJT!

## Gateway Update: Still Going Nowhere, But Could a New Face Bring Hope?

Commentary By JOSEPH M. CLIFT

Albert Einstein's frequently-quoted definition of insanity: "Doing the same thing over and over again and expecting different results" applies to the Gateway Program's failure to obtain federal grants essential to advancing its two current projects, the \$13-billion Hudson Tunnel Project (HTP) and \$2-billion Portal North Bridge (PNB). Once again, the applications that were submitted to the FTA had fatal flaws.

On August 23, for the third year in a row, the Port Authority submitted an HTP financial plan that will render the project D.O.A. with the Feds: 94% federally-sourced funds (up from 93% last year) vs. a maximum of 75% for any other project; a New Starts grant request more than double the size of any approved to date, and a proposed annual draw equal to 40% of the national New Starts funding pot.

On Sept. 13, also for the third year in a row, NJ Transit submitted a PNB Core Capacity grant application containing out-of-date peak-hour train and passenger ridership data, in direct violation of FTA instructions. The reason: current data reveals a project that fails to achieve the 10% peak-hour seat increase into NY Penn Station (NYP) legally required to qualify for a Core Capacity grant: Again, D.O.A.!

What is desperately needed to advance Gateway is new leadership to force a radical change in the current plan to spend \$15 billion on these two over-scope, old-technology projects that produce ZERO additional peak-hour train capacity into NYP; someone who will demand rider-oriented, cost-conscious, new-technology thinking in developing a revised plan.

That new leadership could come from Jamey Barbas, one of New York's two new Gateway Development Commission trustees. She is a licensed professional civil engineer with a 35-year history of innovative bridge design and construction. Her alma mater, Columbia University, is one of the two engineering schools that New York Gov. Andrew Cuomo recruited to develop a now-underway high-tech plan to rehabilitate the L-Train Canarsie Tunnels WITHOUT a total service shutdown. Here's hoping Ms. Barbas will be the catalyst for similar innovative thinking on Gateway.

## Coming Attractions for Meeting Presentations

We have some exciting presentations lined up to conclude the year at the Coalition. On November 25, longtime member and former planner Joseph M. Clift will give us an update on new developments concerning Gateway. On December 23, Chair David Peter Alan will give us a year-end report, as we elect officers for next year. Our meetings take place at 6:45 pm at Millburn Town Hall. We hope you will come to our meetings, and that you will decide to join us.

## Railgram

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Contributors  
David Peter Alan  
Joseph M. Clift  
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Lackawanna Coalition  
P.O. Box 283 Millburn,  
NJ 07041

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Millburn, NJ 07041

www.Lackawannacoalition.org  
email: info@lackawannacoalition.org  
Twitter: @Lackawanna\_Rail

Lackawanna  
Coalition

September/October 2019

...An independent organization  
advocating for better transit

# RAILGRAM

## NJT Celebrates 40th Anniversary

By DAVID PETER ALAN

NJ Transit celebrated its 40<sup>th</sup> anniversary at the Board meeting on July 17; 40 years to the day after Gov. Brendan Byrne signed the Transportation Act of 1979, the bill that established the agency and authorized it to take over the ailing bus operations from Public Service and the Newark City Subway (now part of the Newark Light-rail line), the sole survivor of the once-vast Public Service streetcar network. NJT established itself as a railroad at the beginning of 1983, when the Consolidated Rail Corp. (Conrail) was forced by statute to stop operating local "commuter" trains.

NJT officials honored the agency's employees with the longest service; the most senior of whom is Louis Trujillo, a ticket agent on the bus side with 60 years' service. For its own part, the Lackawanna Coalition honored NJT and its original employees with a resolution of congratulations and certificates to President/CEO Kevin S. Corbett and Commissioner Diane Guterrez-Scaccetti, and to the original employees, represented by Board Secretary Joyce J. Zuczek, who now has 43 years' service.

The celebration included a video entitled *A Journey Through Time: 1979-2019*, which can be seen on NJT's web site, [www.njtransit.com](http://www.njtransit.com). The celebration was low-key and subdued, but it provided an opportunity to remember what public-spirited leaders like Sen. Frank Herbert, Commissioner Louis J. Gambaccini and Gov. Byrne did to improve mobility in the Garden State. NJT is again in trouble, and we can only hope that it will improve some day and again become the industry leader that it was in the past.

*[Publisher's Note: For detailed coverage of NJT, its founding and its early history, see this writer's article, titled NJT at 40: People, Progress and Politics, written for Railway Age, published in the August issue of the magazine, and posted on their website, [www.railwayage.com](http://www.railwayage.com) on July 18<sup>th</sup>.]*

## When is a Local Paper Anything But Local?

Commentary By SALLY JANE GELLERT

*[Publisher's Note: Although rail service on our lines of concern and connecting transit are within our direct purview, we know and consider it important how the public perceives our transit and what, if anything, we and they can do about it. The way our transit is covered in general-circulation media is important to our advocacy on your behalf, and changes in the media can also change how you and we perceive our transit. There have been recent changes in the media landscape in the area, and our Communications Director, Sally Jane Gellert, examines one of them.]*

For all my life, the *Record* has been my local newspaper. It still is, but things are very different now. First, in 2016, the Borg family sold the private newspaper to Gannett, publisher of *USA Today*, founded in 1982. That national newspaper is convenient for tourists who want to catch up on the headlines. I remember traveling with my parents in the early 1980s, and my dad's comment that the newspaper in the hotel was much like the one in our supermarkets at home (a national newspaper was a new idea, though papers such as the *New York Times* or *Washington Post* have always been available well outside their home cities).

We noticed changes after Gannett took over the *Record*. Some of the regular columnists left and there were more general articles from AP, but there was still some local reporting, still the occasional investigative report, even a recent series of articles on nuclear power. On the other hand, instead of coverage of NJ Transit by Curtis Tate and former *Record* reporters Christopher Maag and Karen Rouse (now with WNYC), we have been seeing reports on New Jersey transportation by Colleen Wilson, a *Westchester Journal-News* and [www.lohud.com](http://www.lohud.com) reporter. It seems a bit unfair of management to give the NJT beat to a Westchester resident, who is unlikely to know the ins and outs of NJ transportation, our trains and buses; our transit agency. We wish her well, and hope that she will learn quickly, but we miss Curtis and his predecessors, whom we saw at NJ Transit board meetings regularly for years.

Those of us in the advocacy community who had contacts at the *Record*, or at one or more of the local weekly "shoppers," in 2016 and thereafter, suddenly found those contacts gone, and also found that reporters and photographers for local events were stretched further, which means less coverage.

In July 2018, when he took over as news director of the *Record*, but before his promotion away from Bergen County, Dan Sforza held a "meet-and-greet" in Ridgewood. At that event, he mentioned that the company included not only the daily newspaper and weekly "shoppers," but also a web site and three magazines – all with only 120 reporters, compared to the 300 that the *Record* alone had early in his career, when the organization published only a daily newspaper. As for proofreading? Well, maybe at home if he had time; the articles that used to go through three editors before publication now have a single editorial review, at most. Many of the reporters were straight out of college – enthusiastic, but requiring journalism classes weekly to fill in for the experience that the former reporters had developed over decades.

The lack of personnel showed in the printed paper, as did the fact that layout is now compiled in Arizona – which explained the Valentine's Day feature in a Bergen County newspaper listing only Cherry Hill locations and events. Anyone from New Jersey would have recognized the geographic disconnect. That might have been an appropriate feature for the *Asbury Park Press* (note that the Shore is still far away), perhaps, but few *Record* readers would travel two hours each way for their date!

Today, just three years later, we are looking at yet another sale, just completed; this time to GateHouse Media. GateHouse Media is itself owned by New Media Investment Group, which is owned by Fortress Investment group, which itself is owned by Softbank. What does that mean? Who is Softbank, and what do they know about publishing newspapers?

*(Newsletter continues on reverse)*

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Fourth Monday of the month (except holidays), 6:45 p.m., Millburn Town Hall. Next meetings: Sept. 23 and Oct. 28.

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## Local Paper (continued from reverse)

According to a report by Publisher Patrick J. Wood of the Marshfield, WI *Hub City Times*, we know "that it is based in Tokyo, Japan, and that it has holdings in telecommunications, e-commerce, finance, broadband, and marketing" [<https://www.hubcitytimes.com/2019/08/09/from-the-publisher-marshfield-news-herald-gannett-sold-to-tokyo-based-holding-company/>].

Gannett and GateHouse together own 260 daily newspapers. We wonder how much unique content will be written for any of those papers, with pressure to send profits to Tokyo, and expected savings of \$250–300 million from the merger. This seems awfully close to an average \$1 million per daily paper! How many of our reporters will survive this time? Will Japanese proofreaders and layout artists be producing our newspaper? Will we advocates be able to develop and maintain contacts with our local newspaper outlet? Will it serve the politics and biases of the owners (reportedly heavily invested in fossil fuels, while our state is looking to increase our percentage of renewable, or at least "clean", energy), or can it give "we the readers" the robust coverage we need to participate actively in civic affairs as citizens of New Jersey? Will there be *anyone* left in the editorial department with first-hand knowledge of the history of our county and state?

Stay tuned—and send us your information! The *Railgram* may not have the circulation of GateHouse Media, or even of the *Record*, but we live here and write about day-to-day life on NJ Transit.

## Report From The Chair

By DAVID PETER ALAN, Chair

Our transit has been terrible for the past two years, and remains so. There have been some improvements, but not around here. The Atlantic City Rail Line and the Princeton Dinky came back in May. There are no weekday "one-seat-ride" trains to and from New York on the Raritan Line, although there are rumors that they might come back soon. Here on the Morris & Essex, Montclair-Boonton and Gladstone lines, nothing has improved. The Gladstone line is still a bus line on week-ends, and all-too-many trains are canceled (or annulled, in historic railroad parlance, which is slightly different). When we will see any genuine improvement is anybody's guess, but it will not come anytime soon.

Gov. Murphy took a baby step toward improving the reporting situation, even if it will not bring any improvement in service, in his Executive Order No. 80, on August 19. It is four pages long, and about two-thirds of the content consists of a lengthy litany of "whereas" clauses, which are a mixture of true statements, misleading statements and political grandstanding. I will leave it to you to figure out which is which; it is not difficult.

The implementable order itself takes up slightly more than one page. It directs the commissioner to "consider" reporting certain data about "cancellations" and on-time-performance. I note that, under his authority, the governor could have ordered the commissioner to implement the reporting that he described. Instead, he only told her to "consider" such reporting, which means that she retains discretion about what data, if any, will still be reported to the public through NJ Transit.

The document refers only to "cancellations" which, in railroad parlance, connotes trains that have started their runs but did not operate to their ultimate terminals. They are distinguished from "annulments," which connote trains that do not leave their points of origin. There are many more annulments than actual cancellations on NJT, and it is ambiguous whether or not trains that are annulled will be reported. This is not made clear, but we hope that every train that does not run will be reported, regardless of history or causation. That is what we, the riding public, have a right to know.

In short, the executive order does little or nothing to help us riders in the short run, and absolutely nothing to help us in the long run. The more we know, the better, but we still need our trains and we need genuine action, not partisan political statements.

Some advocates have called for NJT to release a reduced train schedule "that they can live with" and run reliably. While that controversial idea has some appeal, this writer strongly believes that it would not be good for the riding public in the long run.

The situation regarding our schedules has never been worse; I do not even recall it being any worse 40 years ago, when NJT was founded to improve our transit. This will continue for a long time, too. I was able to ascertain at the March 15 meeting in Morris Township that it will be at least a year before we get the pre-PTC schedule back; perhaps significantly longer before we even get back to 2015 service levels. Yes, we are all tired of the uncertainty and the annulments, but it would be even worse if NJT were to reduce the advertised schedule to something its managers believe they could run.

First, they would cut more than the minimum number of trains, because they would be reluctant to commit to running anything that they could not be sure they could run every weekday or every week-end day. That means the actual train losses would exceed those with which we are coping today.

Second, NJT has a strong record of eliminating trains and never restoring them to the schedule. They have only restored trains when they promised in advance that any specific cuts would last only for a limited period of time, like eight weeks during the summer of 2017. We can't trust them to restore trains, we should NEVER advocate for them to kill service in any way, shape or form.

Third, we lose an important issue if NJT cuts the schedule drastically, and then sticks to the new reduced schedule. They can blame US for suggesting it, which makes the public think that we don't care if they don't get enough service. NJT could also claim that the new, reduced schedule is feasible, so they would stick to it, which would save money. As riders, especially commuters and transit-dependent riders, get used to the reduced service, they will forget what better service was like. That would make it much harder to convince motorists to get out of their automobiles and onto the train.

In short, we should NEVER argue for reduced service. When some of us did so, NJT did not implement their suggestions, so we are off the hook on that issue. We can always say that NJT did not implement the idea, so none of us are proposing it anymore.

It is time for us to get NJT to come clean about plans to restore service; what they plan to restore and when, until they are back to running the previous level of service. We deserve at least that.

## Railgram

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Chairman/Publisher

**Stephen E. Thorpe**  
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Communications Director

Editor for This Issue  
**Paul Bubny**

Contributors  
**David Peter Alan**  
**Sally Jane Gellert**

Lackawanna Coalition  
P.O. Box 283 Millburn,  
NJ 07041

## Coming Attractions for Meeting Presentations

We have some interesting presentations coming up at the Coalition. On September 23, James Vance and Greg Whitaker of the Fund for a Better Waterfront will give us their side of the story about a maintenance facility for the ferries that run between Hoboken and Manhattan; a hot topic around Hoboken these days. On October 28, Coalition Member Joseph M. Clift will give us an update on developments in the Gateway saga, especially Gateway's new requests for federal grants. You won't want to miss these informative evenings. We meet on the 4th Monday of the month at 6:45 pm at Millburn Town Hall. You are welcome to join us.



P.O. Box 283  
Millburn, NJ 07041

www.Lackawannacoalition.org  
email: info@lackawannacoalition.org  
Twitter: @Lackawanna\_Rail

Lackawanna  
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July/August 2019

...An independent organization  
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# RAILGRAM

## NJ Transit Celebrates 40th Anniversary

By DAVID PETER ALAN

New Jersey Transit (NJT) was founded only three months after the Lackawanna Coalition. Both came from the same transportation crisis that endangered transit in the Garden State. Transport of New Jersey, formerly Public Service Coordinated Transport, the bus company owned by Public Service Electric & Gas Co., was threatening to end all bus service and the Newark City Subway (now part of the Newark Light Rail line), the last-surviving streetcar line in the once-vast Public Service network.

On the rails, the situation was almost as bad. The Consolidated Rail Corporation (Conrail), which was pieced together from several financially-ailing railroads in the region, was running local trains in New Jersey and elsewhere in this part of the country, but the situation was unstable. Equipment was not in good condition, and service was not reliable. Something had to be done.

Senator Francis X. Herbert and Transportation Commissioner Louis J. Gambaccini, both of whom died last year at the age of 87, did something about it. Herbert sponsored the Transportation Act of 1979, which established NJT.

In his later years, Herbert told this writer that it was not easy to form a new transit agency, even though transportation reform was sorely-needed. Some private bus operators opposed his bill fiercely but, in the end, they could not stop it. Herbert gave credit to Gov. Brendan Byrne and his strong support for the eventual success of his bill, which passed by just one vote. That happened on July 17, 1979, the date that we consider to be NJ Transit's birthday.

Under Gambaccini's leadership, a group of transportation professionals started the new agency, first as a bus company to take over the ailing Public Service bus network and the Newark City Subway, and later as a railroad. NJT Rail started at the beginning of 1983, when Conrail was required by federal statute to stop operating local passenger trains. Metro-North in New York City and SEPTA Rail in Philadelphia were founded at the same time, and for the same reason.

Over the years, NJT has centralized transit within New Jersey, and into New York City and Philadelphia. It also rationalized a patchwork fare structure that came from three different railroads, restored service outside peak-commuting hours with trains to Montclair and on the Pascack Valley Line, started the highly-successful Midtown Direct trains on the Morris & Essex Line, initiated "one-seat-ride" trains to New York on the Raritan Valley Line (which are currently suspended), and centralized administration for several transit modes, including bus and light rail. There is still much more to be done.

We join with NJ Transit in celebrating its 40th anniversary of service to the riding public. We salute the original NJT managers and other employees who are still part of the transit scene today.

They include Arthur S. Guzzetti, Vice-President for Policy at the American Public Transportation Association (APTA); Martin D. Robins, former Director of the Voorhees Transportation Center at Rutgers University; former Transportation Commissioner Stanley Rosenbloom; and Joyce Zuczek, Secretary to the NJT Board of Directors. Even the Board was different then; John McGoldrick fought to save the Princeton Dinky in 1975 and later served the public on the Board for 29 years.

We know that NJ Transit is still a "work in progress" and that there is still room for improvement. We also know that, if it were not for NJ Transit and its many hard-working managers and other employees throughout the past four decades, mobility in New Jersey would not have been as good as it is today. That, in itself, is something to celebrate.

## Report From The Chair

By DAVID PETER ALAN, Chair

Now that we have celebrated the 40th anniversary of the Lackawanna Coalition, it is time to honor NJ Transit on its own 40th anniversary. Both organizations stemmed from the transportation crisis that gripped our state at the time, as did our sibling organization, the New Jersey Association of Railroad Passengers (NJ-ARP), which was founded in 1980.

I remember transit in 1979. I was commuting to law school in Newark on the old Edison-vintage cars on the M&E line that were built for the old Lackawanna Railroad. Transit certainly had its problems then. It was notoriously unreliable. You never knew whether your train would run. There were problems with equipment. Managers did not seem able to cope with the situation. Funding was precarious, and it never seemed that the appropriations from the State toward our "commuter rail" service would be enough to keep the trains running. The transportation professionals cared about the situation and wanted to help, but it did not seem that they had the authority to do much about it.

Then came Sen. Frank Herbert, with whom this writer served on NJT's Senior Citizens and Disabled Residents Transportation Advisory Committee (SCDRTAC) for several years. Herbert sponsored the bill that would keep our transit going under public auspices by forming NJT. Gov. Brendan Byrne supported it, and it passed by a single vote.

Transportation Commissioner Louis J. Gambaccini organized the management team that got NJT started, and it began as a bus company, taking over the failing bus operations of the old Public Service network and the Newark City Subway. NJT Rail started in 1983, when Conrail was forced to stop running local passenger trains.

Now, 40 years since its founding, NJT's system suffers from some of the same difficulties that plagued transit then. We needed reform then, and we got it. We need reform now, and the legislature and Gov. Murphy gave us a sham. We still need genuine reform, and we will continue to demand it.

We salute NJ Transit on 40 years of providing mobility for New Jersey, and we continue to stand prepared to help improve that mobility any way we can, but we are aware that transit riders are in trouble and need reform in their transit system and its governance, just as they did 40 years ago.

*(Newsletter continues on reverse)*

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Fourth Monday of the month (except holidays), 6:45 p.m. Millburn Town Hall. Next meetings: July 22 and August 26

## Do NJ Transit Board Members Even Take the Train to Work? Commuter Advocate Says Murphy Won't Say

By Star-Ledger Guest Columnist DAVID PETER ALAN

*[Editor's Note: This column was published by the Star-Ledger on April 1, 2019. It is reprinted with permission.]*

Our transit has never been less reliable. It was terrible under former Gov. Chris Christie and, for both commuters and riders who depend on it, it is even worse under Gov. Phil Murphy. The Atlantic City Rail Line and "Dinky" were shut down completely after Labor Day, and they will not return for almost two months. [Note: Those services returned on May 12th.] We have lost service on the Raritan Valley, Gladstone, Morris & Essex and other lines. We have no idea when, if ever, we will get those trains back. The top brass at NJ Transit will not say, and it might take another year. Trains are annulled or canceled on short notice, and so are some light-rail runs.

Reform would help. The legislature passed, and the governor signed, a bill that purports to mandate it but, from a rider's perspective (this rider's, anyway), it will not result in genuine improvement.

The "new" board of directors is a case in point. As far as we have been told, not one of the new appointees depends on NJ Transit for mobility. A transit board composed entirely of motorists can inflict the pain of service reductions and other inconveniences upon riders whenever they wish; yet not one of them must feel that pain.

As chairman of the Lackawanna Coalition, and on behalf of our rider-constituents, I campaigned relentlessly to persuade legislators to require that at least one board member depend on transit for his or her mobility. That effort proved futile. We who depend on transit are still left out in the cold, without any voice in its governance.

We know essentially nothing about the new appointees. Ray Greaves, head of the union that represents the bus drivers, will remain the labor representative, as required by statute. One is a Camden County freeholder, another is a leader in a hotel trades union and another is a minister. That is all we know at this time. The statute calls for transit riders and persons with expertise in public transportation, but we have no way of knowing if these persons qualify, because those of us who represent the riders never heard of them in any transit-related context.

With almost 38 years' experience practicing law in New Jersey, and more than 34 of those years advocating for better transit, I attempted to apply for one of the "rider" positions, but it appears that there was no process for doing so. How did the governor choose the new board members? With no information available about the process, the only reasonable inference is that they were selected entirely in secret. That does not sound like the "reform" or "transparency" that Gov. Murphy has touted in his public statements. None of the "lucky winners" are known to possess any expertise about transit, and we do not even know how often (if ever) any of them ride.

From April, 2003 until December, 2015, not a single voting member ever voted "no" on any item before the board. The following year, Flora Castillo, who had been a member since 1999, voted "no" on two items. She was not renewed. Was this merely a coincidence, or was she removed for her courage to dissent? We will never be told, but this will be a strong incentive for the new and inexperienced members to do what they are told. Perhaps the "powers that be" suspected that established rider-advocates or other "experts" might also dissent, and they wanted to avoid that possibility.

There is an old saying: "If you're not at the table, you're on the menu." Without genuine and knowledgeable representatives on the NJ Transit board, transit-dependent persons and other riders will be "on the menu" for many years to come. So much for "reform."

*David Peter Alan lives and practices law in South Orange. He is also a contributing editor at Railway Age. The opinions expressed are his own, and do not necessarily represent that of any organization.*

*[Publisher's Note: At this writing, Murphy's nominees have not been approved by the Senate.]*

## Spinning Through the NJT Web

An adventure, told by SALLY JANE GELLERT

When I first saw the new home page, my first reaction was: "Oh, another 2019 home page with a big hero picture!" It is not quite that. It has a few positives and, as this article goes to press, the home page has gotten a major improvement! The extensive menus will really make navigating the site easy, but the newest change is just what customers need — instant access to all current alerts! To the Trip Planner, Departure Vision, and My Bus buttons located in the center of the home page was added a System Status button — and the default for that prime central "real estate" is a clear graphic representation of that status, while hovering over any one item brings a pop-up window with details. Bravo, NJT IT department!

For your next project, please fix the Tools and Maps menus for us computer users: each has an enticingly large selection, but from my 13" laptop, those menus open below the level of the others — and the sub-menu disappears before I can move my cursor to even the top item. I borrowed an older iPad, and then I found the items, with lots of important information. Let's fix this just as quickly as the alerts were added!

I am not familiar with MyBus, so I cannot comment meaningfully on its implementation, other than to say it was not intuitive for this Baby Boomer (but today, looking for the next bus at a stop, once the slow-loading bus stops appeared, the result was just what was needed). Both MyBus and DepartureVision (DV) are also accessible from the home page. To see the DV screen for one's chosen station, one must click and then type in the station name, which is not especially helpful. The only changes to the Trip Planner are the home-page display, accessible with one click, and the fact that results and the opportunity for changes are a further click in.

Don't forget the older technology, which some of us still use. With a "dumb" phone, I often rely on the Trip Planner, as well as phone service during the limited hours it is available; only 8½ hours per day, unlike the 7 a.m. to midnight that phones were open when I learned the transit system). Those hours should be extended to 9 p.m., or even to 10 p.m.

Closing on a positive note, the menus on this home page are now its best feature. They make clear where one can find things on the NJ Transit site: the annual report, press releases, board meeting information, and even how to file an OPRA request. In addition, IT management's quick recognition of the need to improve the alerts and the implementation of that improvement bode well for the future of the site. We look forward to seeing further innovations are planned as the overall website is updated.

### Railgram

David Peter Alan, Esq.  
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Communications Director

Editor for This Issue  
Paul Bubny

Contributors  
David Peter Alan  
Sally Jane Gellert

Lackawanna Coalition  
P.O. Box 283 Millburn,  
NJ 07041

### Coming Attractions for Meeting Presentations

We have some exciting presentations coming up this summer. On July 22, *Railway Age* Editor-in-Chief William C. Vantuono will give us his perspective on the latest developments in rail, including at NJT. On August 26, Scott Spencer will tell us about his alternative to the Gateway Program, a multi-modal transit bridge high above Midtown Manhattan, that would stretch from Secaucus to Queens. There is always something interesting happening at the Coalition, and we hope you will come and join us. We meet on the fourth Monday of the month at 6:45 pm at Millburn Town Hall.

## DAVID PETER ALAN TRANSPORTATION ADVOCACY CREDENTIALS

50 South Ridgewood Road  
South Orange, N.J. 07079  
trainadvocate@icloud.com

(973) 762-3488 (home)  
(973) 715-5626 (cell)  
(973) 762-6543 (law practice)

Objective: A position as a Rider-Representative on the N.J. Transit Board of Directors

### Qualified By:

#### Transit-Oriented Organization Memberships and Affiliations

Lackawanna Coalition. Chair since 2000, Vice-Chair 1999-2000, member since 1998.  
Senior Citizens and Disabled Residents Transportation Advisory Committee at NJ Transit (SCDRTAC). Vice-Chair 2015-16 and 2009-10, member since 2003 (longest-serving member).  
Essex County Transportation Advisory Board. Chair 1999-2003, member since 1985.  
Rail Users' Network (RUN)(national). Board member since 2005, member since 2003.  
National Association of Railroad Passengers, Board and council 2007-12, member 2006-12.

#### Other Related Activities

Railway Age (railroad industry trade magazine and [www.railwayage.org](http://www.railwayage.org)). Contributing Editor.  
Destination: Freedom at [www.nationalcorridors.org](http://www.nationalcorridors.org). Contributing Editor and columnist, 2004-17.  
Spoke or moderated panels at several national and regional transit-related conferences, including conferences sponsored by RUN.  
Attended other transit-related conferences sponsored by the American Public Transportation Association (APTA) and other national industry-oriented and advocacy organizations.  
Appeared and made statements at New Jersey Legislative hearings on transit-related matters.

#### Familiarity with Transit

Familiar with all NJ Transit rail and light-rail lines, many bus lines and county transportation services.  
Rode entire Amtrak system and about 300 transit providers in US and Canada (probably hold record).  
Rode all rail transit in US (effective October 29, 2019).

#### Law Practice

Admitted to New Jersey and New York Bars, 1981.  
Member, U.S. Supreme Court Bar.  
Registered Patent Attorney, No. 30,905.  
Current practice limited to intellectual property (patent, trademark, copyright) and business law.

#### Education

B.S. in Biology, Massachusetts Institute of Technology (M.I.T.), 1970.  
M.S. in Management Science (M.B.A.), M.I.T. Sloan School of Management, 1971.  
M.Phil., Columbia, 1976.  
J.D., Rutgers Law School, 1981.  
B.A.C., University College, Rutgers (Hon.), 2001.

Exhibit # 20x

## NJ Transit Hearing

Please clearly fill out all sections

Name CESAR RODRIGUEZ Town: RUTHERFORD

Phone 7-11-1111 Email

Question What are you doing about the overcrowding  
during peak AM hours at Rutherford Station?  
There's a lot of new development in the town  
and it's hard to get a seat. Sometimes ~~there~~ in  
the train skips.

How about wireless coverage on Bergen County Line  
Via Meadowlands

## NJ Transit Hearing

Please clearly fill out all sections

Name Alex Zamsky Town: River Edge

Phone ( ) - - - - - Mail 0264110 Yahoo.com

Question When Pascack Valley Line  
will have double deck cars?

## NJ Transit Hearing

Please clearly fill out all sections

Name IRIS ALSTON Town: Chester

Phone ..... Email WT6N11118@AOL.COM

Question When are you going to fix all  
the materal! Every day there is a  
problem w/ transportation

## NJ Transit Hearing

Please clearly fill out all sections

Name Christine Mone Town: Basking Ridge

Phone 908.111.1111 Email MONA-KRIS@YAHOO.COM

Question Why is there no notice of trains being able to arrive. The trains  
are cancelled long after the train has "left" the station that had  
never arrived.

# NJ Transit Hearing

Please clearly fill out all sections

Name: CLEMENTE SALAZAR Town: HARLTON, NJ

Phone: --- Email: CLEM.SALAZAR@GMAIL.COM

Question: TODAY, WHY THE LACK OF COMMUNICATION

REGARDING LATE TRAINS OUT OF PENN STATION?

I UNDERSTAND AN INCIDENT IN NEWARK.

BUT NO COMMUNICATION UNTIL 30 MINUTES



## NJ Transit Hearing

Please clearly fill out all sections

Name Rebecca Graziano Town: FAIR LAWN, NJ

Email REBECCA.GRAZIANO@HOTMAIL.COM

Phone \_\_\_\_\_

Why are trains so frequently CANCELED?

Question

MAIN LINE

PM 6:02 to Hoboken 2x last week

AM 7:30 FL BWAY Canceled at this

People rely on these trains.

rate is unacceptable.

Thank you for this meeting.

# NJ Transit Hearing

Please clearly fill out all sections

Name: Christina Grey Town: North Haverhill  
Phone: 603-888-1234 Email: condanance@yahoo.com  
Question: Can we get sustainability and ↓ Carbon  
emissions?

## NJ Transit Hearing

Please clearly fill out all sections

Name

Julia Siegel

Phone

Town:

Rutherford

Email

Julia Siegel@gmail.com

Question

Can you please revise the bike rules to

treat e-bikes the same as non ebikes? Parking

at stations and allowing them all the same places

trains/buses etc.

**Please clearly fill out all sections**

Name

**Town:**

Buisky R. de Z

Phone

until

of public co. con.

### Question

Benjamin

7  
3033

Comments

Also: why do I have to pay NY prices  
NJ Transit Hearing to get to Hoboken station?  
I never leave NJ? 2235?

Please clearly fill out all sections

Name Blythe Johnson Town: Ocean, NJ  
Phone 201 223 2235 Email Bjoh407129@AOL.com

Question Why isn't there at least 1 early a.m. train from  
Long Branch to Hoboken? I am forced to go to Newark  
or secaucus to reach my destination which makes my commute  
much longer.  
Why are there cancelled trains on the main line when there  
are no trains from Hoboken to Long Branch?

# NJ Transit Hearing

Please clearly fill out all sections

Name

Sharyn Taylor

Town:

Montclair

Phone

Email

~~Sharyn~~ sharynmontclair@gmail

Question

1) How are you addressing the conductor shortage?

2) When will the new tunnel be built?

We need faster + newer trains

# NJ Transit Hearing

Please clearly fill out all sections

Name Shirley O'Reilly Town: Franklin Lakes Email: Shirley.O'Reilly@SandP.com

Phone: 201-261-1111 Question Why is the New Norm arrival

"first train" to wall Street 7Am??  
37 year commuter  
NS TRANSIT youngest commuter "1990"

## NJ Transit Hearing

Please clearly fill out all sections

Name Sam Krueger Town: \_\_\_\_\_  
Phone \_\_\_\_\_ Email pkruiger39@gmail.com  
Question NJ Transit is awful.  
when will there be  
some funds invested to improve service?



## NJ Transit Hearing

Please clearly fill out all sections

Name Talia Charles Town: Bayonne

Phone: 407-444-4444 Email talia.charles@tda.edu

Question There has been 2 trespasser fatalities on the  
Morris & Essex Rail Lines which I take daily, what is  
being done, or will done, from preventing people  
from going into the tracks

## NJ Transit Hearing

Please clearly fill out all sections

Name Lauren Berlamino Town: Oradell  
Phone \_\_\_\_\_ Email: lberlamino@gmail.com

Question The PVL line only has 1 track. When  
there is an issue (mechanical/broken train,  
tree on track, car stuck, etc) there is not an  
alternative for passengers. What are you doing  
to do help riders with this issue?

## NJ Transit Hearing

Please clearly fill out all sections

Name SIVA BUDURATHU Town: LYNDHURST

Phone 609-681-1011 Email

Question WHY PATH and NJ-TRANSIT ARE NOT

one single monthly like light rail and MT TRANSIT  
Is there a possibility of this happening?

## NJ Transit Hearing

Please clearly fill out all sections

Name Cynthia Chovan-Dalton Town: Rutherford  
Phone 201-261-1111 Email cynthiaachovan@yahoo.com

Question When will service improve?

When will trains stop being canceled? MBPS line  
had 2 trains in a row canceled last Friday (11/8). That  
was an hour and a half during rush hour between  
trains at my stop.  
"1111" Room at Hoboken Station be permanently

## NJ Transit Hearing

Please clearly fill out all sections

Name Migdalía Pagan Milano Town: Hoboken  
Phone: \_\_\_\_\_ Email Migdalía\_Pagan@hotmail.com  
Question Will the she ~~bring~~ shing station  
Return?

## NJ Transit Hearing

Please clearly fill out all sections

Name Nicole Town: Montclair

Phone \_\_\_\_\_ Email \_\_\_\_\_

Question \_\_\_\_\_

1) Fix Trains (mechanically)

2) Run them on time!

3) Add cars

4) CLEAN THEM

## NJ Transit Hearing

Please clearly fill out all sections

Name Barbara Ryan Town: Blauvelt, NY - PVL Pearl River

Phone \_\_\_\_\_ Email bryan1982@gmail.com

Question In the past week 2 trains were cancelled than  
reinstated - one reinstated 3 minutes after it left Spring Valley

I take the 5:43 express from Secaucus Home and I  
have to stand 85% of the time because the seats are  
filled. These stations are not always announced on the  
train. V65 - I'll wait the surplus overtime I am asked too.

## NJ Transit Hearing

Please clearly fill out all sections

Name Eric Andersen Town: Suffern, NY

Phone 516 341 1111 Email eraw3c1@gmail.com

Question Cancelled trains everyday and unreliable

Service. Suffern station is disgusting and  
It is owned by NJT. What is being done  
to improve conditions?



# NJ Transit Hearing

Please clearly fill out all sections

Name Barry Grossman Town: Hoboken  
Phone 111 Ext: ~~BT~~ BTG.HOME@GMAIL.COM

Question #1 - 126 BUS - SUNDAY - Seem to cancel buses w/  
no notice

#2 More cross honor / deals w/ ferry, please

## NJ Transit Hearing

Please clearly fill out all sections

Name Rhonda Stein Town: Passaic

Phone --- Email rsaistein@aol.com

- Question
- ① Why aren't more stations handicap friendly?
  - ② Why aren't announcements of delays given in a timely manner?
  - ③ Why aren't all conductors given courtesy lessons?
  - ④ Why does the APP provide inaccurate information?
  - ⑤ " aren't the trains (particularly mainline) not coordinated with the ferry schedules that run every 15 mins

4/4x

## NJ Transit Hearing

Please clearly fill out all sections

Name (JC) Karla & Emily (NYC) Town: Hoboken → Summit School Kent Place

Phone 201 222 2222 Email perdomok22@kentplace.org

Question We are late to school a lot because the trains are late and cancelled. The cancellations mean we have to take \$40 ubers to school. Our school relies heavily on NJ Transit and don't provide busing, because we both live 20+ miles

# NJ Transit Hearing

Please clearly fill out all sections

Name

KEVIN CONWAY

Town:

CUTHERFORD

Email

KCONWAYRAC@aol.com

Phone

NO NEED

Question

A NEW TUNNEL

TO NYC - NOTHING ELSE

WILL WORK I EVERYTHING

IS A SANDY

ELSE

## NJ Transit Hearing

Please clearly fill out all sections

Name Rocco Verza

Town: Hillsdale NJ

Phone

Email

R.VERZA@VERIZON.NET

Question

Given The Passaic Valley line limited service due

to "ONE TRACK", why are there Express trains from NY?

Ridership is up, why are more trains not considered?

## NJ Transit Hearing

Please clearly fill out all sections

Name Marcia Thomas Town: East Orange

Phone --- Email marciamoreno@icloud.com

Question Why NJ Transit takes so long to conduct a return ticket.

I return ticket on July 19 and I never got my money back and no one return my calls?

## NJ Transit Hearing

Please clearly fill out all sections

Name: Edith Town: CHIPPON

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Question: Why are fares so high when the efficiency is so low.

Technical experts are less to resolve the issue. Why can't the time  
from Secaucus & Hoboken be minimized? Why do people have  
to run for it/ wait for another train for (45 MINS)?

Please let me know why should anyone suffer in waiting for  
train when the train from Hoboken can easily leave town late  
to accommodate people from Secaucus. Such kind of service should

## NJ Transit Hearing

Please clearly fill out all sections

Name Norme Flaver Town: Summit

Phone                      Email nmhaver@gmail.com

Question ① Please improve waiting area in Hoboken Terminal  
this area is being used as a homeless shelter.

② Please improve communication of cancelled trains. We  
get no warning and it ruins the start/end of the day of  
hard work + be late for your commitments.



## NJ Transit Hearing

Please clearly fill out all sections

Name Monini Marchant Town: Hoboken  
Phone # 201-741-1111 Email monini.marchant@gmail

Question Ferry to/from Hoboken: My  
concern (and others too) is that the  
ferry many times leaves one minute  
earlier than scheduled. Why can't it  
leave 30-60 seconds after the departure  
time? 9am 30secs 77, Terrible, tight miss on

## NJ Transit Hearing

Please clearly fill out all sections

Name Michael Grele Town: Montclair

Phone:                      Email: mgrele@gmail.com

Question When can students get free  
passes for the light rail?

## NJ Transit Hearing

Please clearly fill out all sections

Name: Emily Eichenholtz Town: NYC (Hob-Summit)

Phone: 646 224 1111 Email: eichenholtze@gmail.com

Question: Train schedules have changed, so in

order to make it to school I have to

arrive 1.5 hours early. Why are trains

not more frequent on the AM?

## NJ Transit Hearing

Please clearly fill out all sections

Name PAUL LESTER Town: NUYLEY

Phone C Email PBL1@CORNELL.EDU

Question CONDUCTOR didn't let us board, Passengers don't know why, New  
Stuck in Hoboken since we all missed our connections. Can Conductors  
please open doors on trains when the train is stopped, would help us  
all get home much earlier.

## NJ Transit Hearing

Please clearly fill out all sections

Name Robert Denicola Town: Oradell

Phone \_\_\_\_\_ Email rob.denicola@gmail.com

Question Why is NJ Transit prioritizing rail service to the Meadowlands for events over commuters? Every time there is an event with rail service, all Bergen County commuters suffer due to delays and cancellations. It is often a disaster on the platforms. More broadly, Pascack Valley Line service has visibly deteriorated since 2017.

## NJ Transit Hearing

Please clearly fill out all sections

Name: John F. Strickland Town: Essex County - East Orange

Phone: 973-251-1111 Email: RXSS8347@NJSTRAIDAL

Question ON TIME SERVICE, MORE ENGINEERS?  
TIMED OF NO ENGINEERS, CANCELLED TRACKS?  
DEALT W/ BEING ON TRAIN FOR OVER AN HOUR  
LAST YEAR?

55X

## NJ Transit Hearing

Please clearly fill out all sections

Name Christine Shigan Town: Fort Leno

Phon 202 111 1111 Email Christineshigan@yahoo.com

Question - Stop canceling trains

- No Accountability

\_\_\_\_\_

\_\_\_\_\_

56x

## NJ Transit Hearing

Please clearly fill out all sections

Name: Laura Peterson Town: Franklin Lakes NJ

Phone: 973-233-1102 Email: laurapeterson@gmail.com

Question 1) WIFI on trains - come into the 21st century

2) Staffing Issues? Hire personnel!!

3) Your current staff is often rude  
and miserable.